

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael Young,

Petitioner,

Civ. No. 05-1476 (JNE/JJG)
ORDER

v.

Warden J.F. Caraway,

Respondent.

This case is before the Court on a Report and Recommendation issued by the Honorable Jeanne J. Graham, United States Magistrate Judge, on January 12, 2006. The magistrate judge recommended that Petitioner's application for a writ of habeas corpus be granted and that Petitioner's motion for writ of mandamus be denied as moot. Petitioner and Respondent objected separately to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 [Docket No. 1] is GRANTED.
2. Respondent shall reconsider the date when Petitioner should be assigned to a Community Correctives Center or home confinement in light of the criteria set forth in 18 U.S.C. § 3621(b) and without regard to 28 C.F.R. §§ 570.20-.21.
3. Petitioner's motion for writ of mandamus [Docket No. 2] is DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 7, 2006

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge